

# Center for Children's Advocacy

University of Connecticut School of Law, 65 Elizabeth Street, Hartford, CT 06105

## TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY IN SUPPORT OF House Bill 6225 AN ACT REQUIRING A RESULTS-BASED ACCOUNTABILITY REPORT CARD ON OUT-OF-STATE RESIDENTIAL TREATMENT OF CHILDREN February 3, 2011

This testimony is submitted on behalf of the Center for Children's Advocacy, a non-profit organization based at the University Of Connecticut School Of Law. The Center provides holistic legal services for poor children in Connecticut's communities through individual representation and systemic advocacy.

We strongly support the philosophy of Raised Bill 6225 which will require the **Department of Children and Families (DCF)** review its placement of out-of-state youth and analyze the effectiveness of DCF's treatment and placement of these vulnerable youth. We respectfully submit additional language at the close of this testimony that will seek to further reduce the number of children who reside in out-of-state institutional treatment facilities.

### TOO MANY CHILDREN ARE IN OUT OF STATE CARE

The Center for Children's Advocacy recently represented **Jason**, a 15 year old boy who had lived in an out-of-state treatment facility for 3 years. He was so desperate to get back to his home community and **that he felt like people had forgotten about him.**

Before Jason, the Center represented **Wilson**, a -14 year old boy that lived in an out-of-state institution for two years before his treatment team concluded he was ready for community placement. Wilson's clinician wrote a letter telling DCF that Wilson wanted to be close to his mother, aunt and grandfather, all of whom lived in the Hartford area. Wilson was "eager to be involved in group activities, he regularly attends church services and loves playing sports, listening to music and reading books." Through months of delay Center attorneys followed up with numerous communications to the DCF chain of command urging the Department to implement Wilson's discharge and treatment recommendations as soon as possible. The Center emphasized that **Wilson was becoming increasingly frustrated and that he felt "he was being punished for something."** Center attorneys were finally able to secure Wilson's discharge to a therapeutic group home in the Hartford area after filing a motion for emergency relief in the Superior Court for Juvenile Matters.

However, there are hundreds of youth like Jason and Wilson who are "frustrated" and feel "forgotten" in out of state care.

According to DCF's December, 2011 report regarding children in out-of-state placement (attached), there were 367 children paced in out-of-state treatment centers. As the Hartford Courant recently reported, "Once they go away, children spend far longer in residential treatment — an additional 189 days, on average — than children in Connecticut programs."



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These youth constitute the “unseen population” of abused and neglected children living under the care and supervision of the Department of Children and Families. They are disabled, cognitively, developmentally or psychiatrically. Many times they have no identifiable guardian who can or will take care of them. They are the most needy and vulnerable of children in DCF’s care, and they are at great risk of “falling through the cracks” because they are not being closely monitored at a critical point in life – adolescence and their young adult years. These children may also be leaving a community that they may have called home for many years and being asked to adapt to a new, typically institutional setting, without regular contact from parents, mentors, siblings and friends. Many of these youth can be and should be placed in community-based placements in Connecticut where they can be treated in a less restrictive environment and allowed to foster nurturing relationships with family, friends and mentors. Out of state residential care is not only discriminatory, but extremely expensive. The funds used to sustain these inappropriate placements should be reallocated to support and enhance community-based services and placements.

Requiring DCF to submit a results-based accountability report card is an important step in ensuring that Connecticut tax dollars are used to protect and care for children in a safe, nurturing and effective manner. The next step must also be to require the Department to reduce the number of youth who are so institutionalized. Accordingly, the Center respectfully requests that this Committee amend House Bill 6225 to require the following:

### **Returning Children From Out of State Treatment Centers**

#### **Section One (NEW):**

In furtherance of the public policy of the state of Connecticut that children and youth living in the custody of the Department of Children and Families receive care and treatment in the least restrictive environment within the state of Connecticut, and are treated in a non-discriminatory manner, the Department of Children and Families shall return all children committed to the care and custody of the Commissioner to the state of Connecticut no later than July 1, 2013, except as provided in Section Two. In furtherance of this requirement, the Department is required to:

- a. develop a plan in consultation with the Court Support Services Division of the Judicial Department, in-state and out-of-state providers, child welfare and mental health advocates, as well as family consumers of mental health and child welfare services to reallocate funds to increase in-state, community-based services;
- b. maximize federal funding to assist development of community-based services needed to support children transitioning from out-of-state institutional care;
- c. ensure that no disproportionate minority contact exists when youth are committed to the Department of Children and Families and are placed in congregate care facilities;
- d. not later than December 31, 2011 report to the committees of the General Assembly having cognizance of matters relating to children and human

services, with respect to the steps the Department is taking to accomplish the mandates of this Section.

**Sec. Two (NEW):**

- (A) No child or youth living in the care and custody of the Commissioner of Children and Families may reside in an out-of-state facility after July 1, 2013 unless the Superior Court for Juvenile Matters specifically finds that the Department of Children and Families has documented that such placement is necessary and appropriate given the expression of public policy and mandates articulated in Section One of this statute. The Department shall report to the Superior Court for Juvenile Matters regarding the status of the out-of-state child every three months and the Department's plan to return the child to an appropriate placement or family within the state of Connecticut.
- (B) On January 1, 2014 and every year thereafter until otherwise decreed, the Commissioner of Children and Families shall report to the committees of the General Assembly having cognizance of matters relating to children and human services regarding any children that have been approved to remain in out of state facilities, the reasons for such placements, and the plan to return such children to a home or facility within the state of Connecticut.

Thank you for your time and consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sarah Healy Eagan', with a long horizontal flourish extending to the right.

Sarah Healy Eagan, Director  
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**STATE OF CONNECTICUT  
DEPARTMENT OF CHILDREN AND FAMILIES**

DATE: **12/1/2010**

	State	Total Census	CPS/ AO Placements	Juvenile Services Placements	Dual Committed Placements	Previous Monthly Totals	Total Census	CPS	Juvenile Services	Dual Committed
<b>December-10</b>		<b>367</b>	<b>299</b>	<b>60</b>	<b>8</b>	November-10 October-10	362 347	293 283	61 56	8 8
<b>New England</b>	<b>78%</b>	<b>285</b>	<b>247</b>	<b>34</b>	<b>4</b>	September-10 August '10	344 345	279 274	56 60	9 11
Maine	ME	25	25	0	0	July '10	345	274	60	11
Massachusetts	MA	219	182	33	4	June-10	345	274	60	11
New Hampshire	NH	13	13	0	0	May-10	343	273	58	12
Rhode Island	RI	11	10	1	0	April-10	355	273	70	12
Vermont	VT	17	17	0	0	March-10	347	267	69	11
<b>Other States</b>	<b>22%</b>	<b>82</b>	<b>52</b>	<b>26</b>	<b>4</b>	February-10 January-10 December-09	349 344 343	268 261 262	69 71 71	12 12 10
Alabama	AL	1	1	0	0					
Arizona	AZ	0	0	0	0					
Colorado	CO	0	0	0	0					
Florida	FL	8	4	3	1					
Georgia	GA	1	1	0	0					
Iowa	IA	2	0	1	1					
Illinois	IL	4	4	0	0					
Michigan	MI	1	1	0	0					
Missouri	MO	0	0	0	0					
New Jersey	NJ	1	1	0	0					
New York	NY	5	5	0	0					
Ohio	OH	1	1	0	0					
Pennsylvania	PA	54	30	22	2					
South Carolina	SC	0	0	0	0					
Tennessee	TN	0	0	0	0					
Texas	TX	0	0	0	0					
Utah	UT	1	1	0	0					

